

EXHIBIT 1

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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SEYED MOHSEN HOSSEINI-SEDEHY.

Plaintiff

VS.

ERIN T. WITHINGTON and the CITY
OF BOSTON,

Defendants

DEPOSITION OF ERIN T. WITTINGTON

Thursday, March 31, 2005

10:00 a.m. - 4:32 p.m.

SMITH & DUGGAN LLP

55 Old Bedford Road

Lincoln, Massachusetts 01773-1125

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Reporter: Cynthia C. Henderson/RPR

Erin T. Withington - March 31, 2005

<p>1 want to embarrass them. I respected that of him.</p> <p>Q. Did that affect the thoroughness of your investigation, in your mind?</p> <p>A. I expected to hear from them at some point, and then a week later I was gone for two months, so I didn't really have all this time to investigate this case.</p> <p>Q. Did you hear from them after you got back?</p> <p>A. No.</p> <p>Q. Did you follow up with any of the telephone conversations you had with Mr. Bavis inquiring about these other "victims"?</p> <p>A. Yes.</p> <p>Q. What did he say in those telephone calls?</p> <p>A. "I am still talking to them. Some of them want to come in and talk to you."</p> <p>Q. Did that cause you any concern that Mr. Bavis still would not give you the names of these people?</p> <p>A. No. I wouldn't say concern, no.</p> <p>Q. And why not?</p> <p>A. I just assumed Mr. Bavis was more concerned about himself and that maybe the people, the guys that he was dealing with didn't want to come to the</p>	<p>166</p> <p>1 of bodily injury.</p> <p>Q. In fact, the only people that had told you they had threatened any bodily harm on any person was Bavis and Joe Perry?</p> <p>A. Yes.</p> <p>Q. So your decision to seek an arrest warrant for the arrest of Mr. Hosseini was not in any way based on your concern that Mr. Bavis would suffer any bodily injury; correct?</p> <p>A. Not injury, but touching, yes.</p> <p>(Recess.)</p> <p>(Incident Report prepared by Erin Withington marked Exhibit No. 17 for identification.)</p> <p>Q. Can you identify what Exhibit 17 is?</p> <p>A. That is my incident report on the sexual assault case.</p> <p>Q. And when was that drafted?</p> <p>A. 3/22/04.</p> <p>Q. And in relationship to when you sought the arrest warrant for Mr. Hosseini, when was it drafted?</p> <p>A. The same day.</p> <p>Q. And is there a time completed on the</p>
<p>1 Sexual Assault Unit and report that they had been touched by another man.</p> <p>Q. When you spoke with Bavis you noticed his physical appearance; correct?</p> <p>A. Yes.</p> <p>Q. And you spoke to Mr. Hosseini and you noticed his physical appearance?</p> <p>A. Yes.</p> <p>Q. Bavis is a bigger guy?</p> <p>A. Yes.</p> <p>Q. There was no threat in your mind of bodily harm that could come to Mr. Bavis as a result of this relationship; correct?</p> <p>MS. AMBAKIR: Objection. You can answer.</p> <p>A. Yes.</p> <p>Q. If there was any concern in your mind about someone getting hurt, it was Mr. Hosseini getting hurt by Mr. Bavis or Joe Perry; correct?</p> <p>MS. AMBAKIR: Objection. You can answer.</p> <p>A. I did advise Mr. Bavis and Mr. Perry to not do anything. Only judging by their size, I would assume Mr. Hosseini would have had more of a chance</p>	<p>167</p> <p>1 report?</p> <p>A. 10:50 a.m.</p> <p>Q. And how soon before you had applied for that arrest warrant did you make out this report?</p> <p>A. Probably right before I went down to get the arrest warrant. Maybe half an hour.</p> <p>Q. Now, up at the top, second line over towards the right side has "Date of Occurrence."</p> <p>A. Yes.</p> <p>Q. What date did you put?</p> <p>A. 1/1/03.</p> <p>Q. Did Mr. Bavis tell you that he was sexually assaulted by Mr. Hosseini on January 1st, 2003?</p> <p>A. No.</p> <p>Q. Did anybody tell you that Mr. Bavis was sexually assaulted by Mr. Hosseini on January 1st, 2003?</p> <p>A. No.</p> <p>Q. Now, in the narrative and additional information section, what does that state?</p> <p>A. "In 2003 the suspect touched the victim on the buttocks and rubbed his covered crotch against the victim against his will, and on February 29 and March 23, 2004 touched and carressed the victim on</p>

BOSTON POLICE
INCIDENT REPORTORIGINAL SUPPLEMENTARY

KEY SITUATIONS SEXUAL ASSAULT		COMPLAINT NO 040143112		REPORT DIST. D4	CLEARANCE DIST.			
TYPE OF INCIDENT SEX-ASSAULT, INDECENT A&B (14 +)	CRIME CODE 0	STATUS		DATE OF OCCUR. A.01/01/03	B. 03/22/04			
LOCATION OF INCIDENT 900 BOYLSTON ST		APT.	DISPATCH TIME	TIME OF OCCUR. A 12:00 AM	B.12:00 AM			
FIRST, MI	PHONE	SEX MALE	RACE WHITE NON-HISPANIC	MARITAL STATUS UNMARRIED				
ADDRESS	APT.	OCCUPATION TEAMSTER		AGE 47	DE			
PERSON REPORTING SAME	ADDRESS			APT.	PHONE			
WAS THERE A WITNESS TO THE CRIME								
PERSON INTERVIEWED	AGE	LOCATION OF INTERVIEW	APT	HOME ADDRESS	APT	TELEPHONE	A <input checked="" type="checkbox"/>	
							RES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
NUMBER OF PERPETRATORS 1 --- CAN SUSPECT BE IDENTIFIED AT THIS TIME						B <input checked="" type="checkbox"/>		
P E R S O N S	STATUS SUSPECT	NAME (LAST, FIRST, MI) HOSSENI, MOHSEN		S.S. NO. 0000-00-0000	BOOKING NO. 00000000	PHOTO NO.	ALIAS	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
WARRANT NO.	ADDRESS 106 13TH STREET, CHARLESTOWN, MA, 00000-0000	SEX MALE	RACE UNKNOWN	AGE 42	HEIGHT 5-09	DOB 10/11/1961		
SPECIAL CHARACTERISTICS (INCLUDING CLOTHING)	WEIGHT 155	BUILD THIN	HAIR BLACK	EYES BROWN				
CAN SUSPECT VEHICLE BE DESCRIBED						C <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
V E H I C L E S	STATUS	REG. STATE	REG. NO.	PLATE TYPE	YEAR(EXP)	MODEL	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
VEHICLE MAKE YEAR	VEHICLE NO.		STYLE	COLOR(TOP-BOTTOM)				
OPERATOR'S NAME		LICENSE NO.	STATE	OPERATOR'S ADDRESS				
OWNER'S NAME		OWNER'S ADDRESS						
CAN PROPERTY BE IDENTIFIED						D <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
P R O P E R T Y	STATUS	TYPE OF PROPERTY	SERIAL OR I-DENTI-GUARD NO.	BRAND NAME-DESCRIPTION	MODEL	VALUE	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
IS THERE A SIGNIFICANT MO						E <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
M O	TYPE OF WEAPON-TOOL NEIGHBORHOOD	TYPE OF BUILDING		PLACE OF ENTRY				
WEATHER	LIGHTING	TRANSPORTATION OF SUSPECT	VICTIM'S ACTIVITY					
UNUSUAL ACTIONS AND STATEMENTS OF PERPETRATOR				RELATIONSHIP TO VICTIM				
IS THERE ANY PHYSICAL EVIDENCE (DESCRIPTION AND DISPOSITION IN NARRATIVE)						F <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
IS THERE ANY OTHER REASON FOR INVESTIGATION (REASON BELOW)						G <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
BLOCK NARRATIVE AND ADDITIONAL INFORMATION NO. IN 2003 THE SUSPECT TOUCHED THE VICTIM ON THE BUTTOCKS AND RUBBED HIS COVERED CROTCH AGAINST THE VICTIM AGAINST HIS WILL AND IN FEB 29 & MARCH 22, 2004 TOUCHED AND CARRESSED THE VICTIM ON HIS LOWER BACK AND ARMS AND HANDS AGAINST THE VICTIM'S WILL. THESE INCIDENTS TOOK PLACE AT 900 BOYLSTON STREET THE HYNES CONVENTION CENTER WHILE THE VICTIM WAS WORKING FOR THE SUSEPCT.						H <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
UNIT ASSIGNED V831	TOUR OF DUTY 2	REPORTING OFFICER'S NAME ERIN T SCHROEDER	REPORTING OFFICER'S SIGNATURE		REPORTING OFFICER'S ID 11456	PARTNER'S ID	I <input type="checkbox"/> NO	
DATE OF REPORT 03/22/04	SPECIAL UNITS NOTIFIED(REPORTING) SEXUAL ASSAULT UNIT				TELETYPE NO.			
TIME COMPLETED 10:50 AM	PATROL SUPERVISOR NAME THOMAS P MALONEY	PAT. SUP. ID	DUTY SUP. NAME THOMAS P MALONEY	DUTY SUP. SIGNATURE			DUTY. SUP. ID 6660	

